

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

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	:	
In re	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
-----	X	

DECLARATION OF YOLANDA CARTER

If called as a witness, I am competent to testify to the facts contained in this Declaration and these facts are true.

For the last 3 years, I have been employed by the City of Detroit ("City") as a workers compensation specialist.

Since August 13, 2010, the City has paid \$466,766.33 in medical benefits on behalf of Mr. Milewski.

I have been informed that in Mr. Milewski's motion for relief from the automatic stay ("Motion"), he stated that after the City's bankruptcy filing he continued to "receive his duty disability compensation, and payment or reimbursement of certain medical and prescription expenses from the Fund." Motion ¶ 11.

I have also been informed that Mr. Milewski stated that the City had "without reason, refused to pay certain benefits on behalf of Mr. Milewski, such as physician prescribed medical equipment and expenses, home modifications and, in particular attendant care." Motion ¶ 11. To date we have paid \$1,763.00 for automobile modifications and \$5,640.80 for durable medical equipment (wheelchair) and a new wheelchair pending quote review (\$5,114.75).

With respect to Mr. Milewski's claims for attendant care, I have been informed that Advisacare Healthcare Solutions ("Advisacare") alleges that since April, 2012, it has provided daily in-home care to Mr. Milewski.

Motion, Ex. 6-3. Prior to providing the services, Advisacare did not contact the City. As a result, there was no agreement on the proper rate or level of care. Attendant care benefits were paid to Mrs. Milewski at a rate of \$10.00/hr. for 56 hours per week, although there was no current letter of medical necessity regarding Mr. Milewski's specific needs on file. Attendant care benefits were terminated for Mrs. Milewski per her request effective April 30, 2012 stating she is an employee of Advisacare. To date we have paid \$39,760.00 in attendant care benefits to Mrs. Milewski.

In or around the summer of 2012, Advisacare provided an invoice to the City for its services. After receiving this invoice, the City informed Advisacare that it and any future invoices would be disputed until the City was provided with, among other things, a letter of medical necessity demonstrating the necessity of the services provided by Advisacare. To date, the City has not received a letter of medical necessity.

Mr. Milewski's claim that the City has, without reason, refused to pay for additional home modifications is untrue. The City has refused to pay for Mr. Milewski's requested home modifications because he refuses to provide proof of the necessity of the modifications.

Mr. Milewski's requested modifications include re-modeling portions of his home and installation of a chair lift from his home's first floor to its basement. The City has repeatedly asked Mr. Milewski to allow the City access to his home so that the City can verify that these modifications are truly necessary and to obtain an estimate of their cost. To date, Mr. Milewski has refused to provide the City with access to his home for these purposes. To date we have paid \$75,297.74 to Urbas Brothers Construction for requested home modifications.

The City has repeatedly notified Mr. Milewski and Advisacare of these protocols. The City's protocols will not allow it to pay for modifications requested without evidence of necessity. The City remains open to working with Mr. Milewski, but can only do so if he is willing to allow the City to verify that the modifications are required.

[SIGNATURE ON FOLLOWING PAGE]

I declare under penalty of perjury that the foregoing is true and correct.
Executed on November 25, 2013.



Yolanda Carter

Re: Brendan Milewski
Claim # WCUNF242010004045

December 10, 2012

City of Detroit Fire Department Medical
Municipal Center
2 Woodward
Ste. 308
Detroit, MI 48226

To whom it may concern,

Effective April 30, 2012, I no longer wish to be an independent contractor. I will be an employee of AdvisaCare with withholdings and other benefits related to employment as well nursing support for the many medical concerns that arise and follow up with medical appointments and continual training.

Sincerely,

Angela Milewski

